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By ECF

Honorable Roanne L. Mann
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Re: Ross University School of Medicine Ltd. v. Brooklyn-Queens Health Care Inc. and
Wyckoff Heights Medical Center
Case No. 09 Civ. 1410 (KAM) (RLM)

Dear Judge Mann:

My firm and I represent the defendants Brooklyn-Queens Health Care Inc. and Wyckoff Heights Medical Center in the above referenced action. We write to advise the court that the parties have agreed to request a modification of the current discovery deadlines. Both sides are currently gathering documents and drafting responses to document requests and interrogatories and these productions are expected to be made in the coming weeks.

The change to the discovery schedule is prompted by a number of developments. Two months were lost over the winter to an illness and then to an unrelated bereavement on the defense side. Then in February 2010 my firm appeared as substitute counsel for the defendants, and we sought and obtained from plaintiff's attorney, Michael Ware of the Mayer Brown firm, a period of discovery adjournments to get oriented. Finally, the parties agreed to a standstill period of about six weeks during which their respective principals conducted direct settlement negotiations. That settlement hiatus, unfortunately, has ended without the resolution of the dispute, necessitating this application.

Under the current schedule: (i) the conclusion of fact discovery is May 31, 2010; (ii) plaintiff's Fed. R. Civ. P. 26(a)(2)(B) reports are due June 15, 2010 with defense reports due July 15, 2010 and rebuttal reports due 30 days after delivery of the reports to which they respond; (iii) depositions of all experts are to be completed by August 31, 2010; and (iv) a settlement conference is scheduled for June 14, 2010 at 10:00AM. The parties request an extension of these deadlines by approximately three months (with some adjustments to avoid deadlines in the vicinity of public holidays).

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Under the new proposed discovery schedule: (i) the conclusion for fact discovery will be extended to September 15, 2010; (ii) plaintiff's Fed. R. Civ. P. 26(a)(2)(B) reports will be due October 5, 2010 with defense reports due November 5, 2010 and rebuttal reports due 30 days after delivery of the reports to which they respond; and (iii) depositions of all experts will be completed by January 14, 2011.

The parties continue to believe that the conclusion of fact discovery will represent a propitious moment for a settlement conference, and we accordingly request that the conference presently scheduled for June 14 be reset to a date of the Court's convenience in the latter part of September.

Counsel for both parties respectfully request that your Honor so order the agreement as set forth above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Walter P. Loughlin", followed by the initials "JHR" in a smaller, less distinct script.

Walter P. Loughlin

cc: Michael Ware, Esq.